



# PETITION FOR APPEAL

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PERMIT CENTER  
ALAMEDA, CA 94501

This petition is hereby filed as an appeal of the decision of the:

**Zoning Administrator**

, which

(Planning and Building Director/Zoning Administrator/Planning Board/Historical Advisory Board)

Established Conditions

for application

(Denied/Granted/Established Conditions)

of a Use Permit

number PLN09-158

(Application Type)

(Application Number)

at 625 W. Ranger (Alameda Point)

(Street Address)

on August 16, 2011

(Specify Date of Action)

State the reasons or justification for an appeal:

Request for amended language in the conditions of approval -- please see attached letter.

(If more space is needed, please attach additional sheets.)

Appellant: Verizon Wireless, by NSA Wireless, Inc.

Contact Phone: Charnel James 530-219-1833

(Appellant Name(s))

Email: charnel.james@nsawireless.com

Address: 2000 Crow Canon Place, Ste. 400, San Ramon, CA 94583

(Appellant Address)

Alameda Municipal Code (AMC) 30-25, Appeals and Calls for Review, provides that within ten (10) days a decision of the Planning Director or Zoning Administrator may be appealed to the Planning Board, and decisions of the Planning Board or Historical Advisory Board may be appealed to the City Council. In addition to the appeal process, decisions of the Planning Director or Zoning Administrator may be called for review within ten (10) days to the Planning Board by the Planning Board or by the City Council and decisions of the Planning Board or the Historical Advisory Board may be called for review by the City Council or a member of the City Council.

## Fees:

**Single-Family or Duplex Residence:**

**\$250.00 (must accompany this Petition) plus Time & Materials costs up to \$500.00, Maximum \$750**

**Multi-Family Residential, Commercial or Non-Residential:**

**\$350.00 (must accompany this Petition) plus Time & Materials costs up to \$2,500.00, Maximum \$2,850**

Signed: [Signature]

(Appellant Signature(s))

(For Office Use Only)

Received By: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

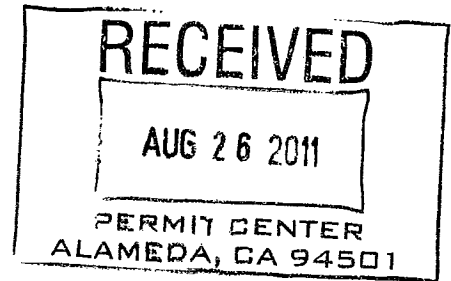
Date Received Stamp

# NSA Wireless, Inc.

Site Acquisition • Planning • Political Advocacy • Construction Management

August 26, 2011

Simone Wolter  
City of Alameda  
2263 Santa Clara Ave.  
Alameda, CA 94501



RE: Appeal of Conditions of Approval for the Verizon Wireless proposed installation located at 625 Ranger, **PLN09-0158**.

Dear Ms. Wolter,

Verizon Wireless is appealing the conditions of approval for the above referenced approval of the wireless telecommunications facility. This appeal is more to preserve our ability to work with the city on the wording of the conditions. We are hopeful that after review by the staff and the Community Development Director, that we can have the approval amended without a further hearing. If that is not possible, please find the conditions that we are appealing, the grounds for such objections, and Verizon Wireless' requested alternative condition of approval language. The format of the letter is to first state the current condition, and then the requested changes with an explanation.

## **Conditions of Approval being Appealed**

1. Term. This Interim Use Permit is valid for the extent of the lease with ARRA or ten years after the date of approval (April 6, 2020), whichever occurs first. Subject to AARA approval, the applicant may request a new Interim Use Permit in 2020.

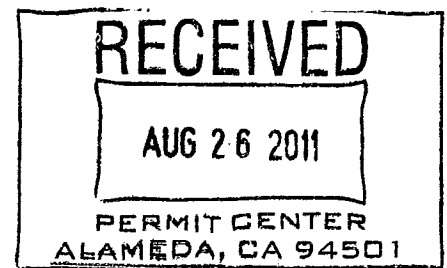
*The date of Approval should be 8/26/11 and therefore 10 years would be 8/26/2021. Verizon Wireless requests that the language in the condition match the actual approval dates and tentative end of term date.*

2. Limitation of Use: This Use Permit is for the operation of a telecommunications tower on an existing monopole and building with electrical equipment. The use would generate no employees or customers, and a maximum of two truck trips per month.

*There are two issues with this condition. The first is that it states that we are operating a telecommunications tower on a monopole. We need clarification on this language. Verizon Wireless feels that it should say a telecommunications facility on the monopole. The second issue is the limitation of two trucks per month. During constructions there will certainly be more trucks, and occasionally there might be an instance where more than one truck will be needed, or Verizon Wireless will exceed two visits a month because of an emergency. Verizon Wireless requests the following changes in lieu of the current condition.*

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**Limitation of Use:** *This Use permit is for the operation of an unmanned wireless telecommunication facility on a monopole with supporting radio and electrical equipment. The use would generate no employees or customers, and an average of two trucks a month except during construction and any emergency or disaster.*

3. Leasing Area: The applicant shall have completed and signed a lease area amendment to the leasing agreement for this location with Staff from Community Development Department, formerly Development Services Department prior to submittal for building permits. **(Condition 5)**

*Verizon Wireless is subleasing from TowerCo, and TowerCo has already negotiated and signed a lease with the city for the additional space. Verizon Wireless legally can not lease the same area from the city that the city has already assigned to TowerCo in its negotiations. Therefore we ask that this condition be removed in its entirety or change the language to accurately identify the entity signing the agreement with the city.*

4. Signal Interference: The permittee must guarantee that the proposed wireless service at the above location will not interfere with the operation of the City's 800 MHZ communication system or the 928/952 MHZ System Control and Data Acquisition (SCADA) System. The permittee must agree to reimburse the City for all costs to locate and correct interference, if it is traced back to the permittee's site. **(Condition 6(f))**

*Verizon Wireless requests that this condition be altered to read : Signal Interference: The permittee must provide a radio frequency interference study, indicating that the proposed wireless service of permittee at the above location will not interfere with the current operation of the City's 800 MHZ communication system or the current operation of the 928/952 MHZ System Control and Data Acquisition (SCADA) System. The permittee must agree to reimburse the City for all costs to locate and correct any unlawful interference caused by permittee's site.*

5. Least Tern: Employees of the applicant shall be prohibited from entering wetlands areas or endangered species habitat areas, particularly the California Least Tern habitat southwest of building 25. Interim users shall post information, to be provided by AARA, regarding the value of the habitat areas on the base, the reasons for restrictions on human activity, and shall cooperate in educational programs on these subjects. **(Condition 8)**

*This condition should be removed as it does not apply to our site. This area is a significant distance from the Least Tern habitat and that it is highly unlikely that construction or maintenance staff will be anywhere near this location.*

6. Revocation: This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or

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improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit. **(Condition 9)**

*Verizon Wireless requests that this wording be changed to reflect the actual wording of the statute. The condition should read:*

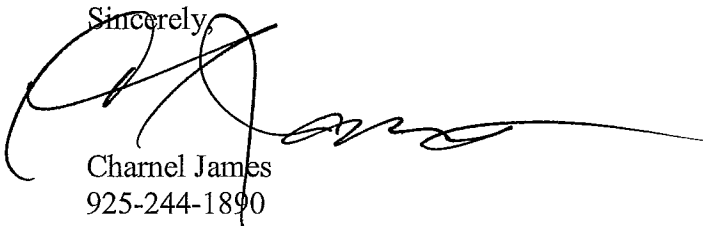
*Revocation. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, the City Planning Board may, after notice and hearing, revoke any use permit."*

7. Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. **(Condition 10)**

*Verizon Wireless is asking to add to the end of the condition "at the city's sole cost and expense."*

It is Verizon Wireless's hope that upon review of these requests, that the Zoning Administrator can simply correct the wording of the approval and/or re-notice the approval with the changed language rather put this appeal on the Planning Commission agenda. If this is the case, once the changes are made, Verizon Wireless will withdraw its appeal. Thank you so much for your support and cooperation. I look forward to working with you on resolving these minor concerns. Please feel free to contact me at the number below.

Sincerely,



Charnel James  
925-244-1890